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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/646,094

08/22/2003

Richard L. Dubay

D398.12-0001

8387

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7590

10/10/2006

KINNEY & LANGE, P.A.
THE KINNEY & LANGE BUILDING
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MINNEAPOLIS, MN 55415-1002

EXAMINER

WINDLEY III, WILLIAM R

ART UNIT

PAPER NUMBER

3682

DATE MAILED: 10/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/646,094

Applicant(s)

DUBAY, RICHARD L.

Examiner

William Windley III

Art Unit

3682

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 July 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>7-9-04 & 12-19-03</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-2,5-7,9-11,13,16,19-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Starkey USP 6116891.

Starkey discloses a(n):

- Base (22)
- Slide (18)
- Cam lever (40)
- First circuit (128,126) and second circuit (140, 126)
- Tracks (inside of part 22)
- First die block half (14)
- Second die block half (16)

3. Claims 1-4,9 are rejected under 35 U.S.C. 102(b) as being anticipated by Gemberling USP 2890488.

Gemberling discloses a(n):

- Base (14)
- Slide (15)

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- Cam lever (C) comprising a head (100, See Figure 1, marked by examiner) and a tail (36) where the angle is greater than ninety degrees and less than one hundred and eighty degrees and is greater than one hundred and thirty degrees and less than one hundred and sixty degrees.

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-2,7 are rejected under 35 U.S.C. 102(e) as being anticipated by Buttgieg USP 6443723.

Buttgieg discloses a(n):

- Base (16)
- Slide (12)
- Cam lever (44) extends through the base when the cam lever is inserted (See Figure 1)

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 8,12, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Starkey in view of Macheske USP 6637498.

Starkey meets all of the claim limitations, as stated above, but does not disclose a hydraulic coupling.

Macheske teaches a hydraulic coupling (31) for the purpose of moving mold sections into place and then retracting them, tilting the machine to improve flow of fill material, and for removing finished articles (Column 1, lines 22-28).

It would have been obvious at the time the invention was made to modify the actuator of Starkey and employ a hydraulic coupling, as taught by Macheske, for the purpose of moving mold sections into place and then retracting them, tilting the machine to improve flow of fill material, and for removing finished articles (Column 1, lines 22-28).

8. Claims 14, 15 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Starkey in view Buttgieg.

Starkey meets all of the claim limitations, as stated above, but does not disclose that the cam lever extends through the base when the cam lever is inserted through the slide.

Buttgieg teaches that the cam lever (44) extends through the base when the cam lever is inserted through the slide for the purpose of holding the slide securely in position (Column 3, lines 1-4) thus keeping the mold closed until the molding process is complete.

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It would have been obvious to one of ordinary skill in the art at the time the Invention was made to modify the setup of Starkey and employ a cam lever that extends through the base when the cam lever is inserted through the slide, as taught by Buttgieg, for the purpose of holding the slide securely in position (Column 3, lines 1-4) thus keeping the mold closed until the molding process is complete.

Re claim 15 Starkey further discloses first circuit (128,126) and second circuit (140,126) for the purpose of indicating that the carrier is in its either of its two positions so that the appropriate signal can be sent to the ejector mechanism (Column 11, lines 18-36).


Any inquiry concerning this communication or earlier communications from the examiner should be directed to William Windley III whose telephone number is 571-272-6460. The examiner can normally be reached on 8:30 AM to 5:30 PM Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Ridley can be reached on 571-272-6917. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

William Windley III
9/29/2006



RICHARD RIDLEY
SUPERVISORY PATENT EXAMINER